# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

Case No.: COMPLAINT AND DEMAND FOR **JURY TRIAL** (Unlawful Debt Collection Practices)

## **COMPLAINT**

TRACY BAREFIELD ("Plaintiff"), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against TRANSWORLD SYSTEMS, INC. ("Defendant"):

#### **INTRODUCTION**

Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15

## **JURISDICTION AND VENUE**

- Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.
- Defendant conducts business in the State of Texas and therefore, personal
  - Venue is proper pursuant to 28 U.S.C. §1391(b)(2).

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### **PARTIES**

- 5. Plaintiff is a natural person residing in Cleveland, Texas.
- Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3). 6.
- 7. In the alternative, Plaintiff is a person granted a cause of action under the FDCPA. See 15 U.S.C. §1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. Dec. 22, 2000).
- 8. Defendant is a national debt collection company with corporate headquarters located at 507 Prudential Road, Horsham Pennsylvania 19044.
- 9. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.
- 10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### **FACTUAL ALLEGATIONS**

- 11. Upon information and belief, at all relevant times, Defendant was contacting Plaintiff regarding a debt owed by her former husband, Michael Fredericks.
- 12. Upon information and belief, the debt at issue arose out of transactions that were primarily for personal, family, or household purposes.
- 13. Beginning in or around June or July 2016, and continuing through January 2017, Defendant's collectors contacted Plaintiff attempting to reach Mr. Fredericks.
- 14. Defendant's harassing debt collection calls derived from numbers including, but not limited to (800) 816-5569. The undersigned has confirmed that this number belongs to the Defendant.

- 15. Plaintiff told Defendant it was calling the wrong number and requested that it stop calling when the calls first began in or around June or July 2016.
- 16. Defendant acknowledged Plaintiff's request to stop calling, but continued to call Plaintiff seeking Mr. Fredericks.
- 17. Defendant's repeated calls to Plaintiff became so annoying that Plaintiff resorted to blocking their number using a cellular phone application.
- 18. Defendant's actions as described herein were made with the intent to harass, upset, deceive, and coerce payment from Plaintiff.

# COUNT I <u>DEFENDANT VIOLATED §§ 1692d and d(5) OF THE FDCPA</u>

- 19. A debt collector violates §1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- 20. A debt collector violates §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- 21. Defendant violated these sections when it placed repeated and continuous harassing telephone calls to Plaintiff and continued to call knowing the calls were unwanted and it was calling a wrong number.

WHEREFORE, Plaintiff, TRACY BAREFIELD, respectfully pray for a judgment as follows:

a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);

1	b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant t
2	15 U.S.C. § 1692k(a)(2)(A);
3	c. All reasonable attorneys' fees, witness fees, court costs and other litigatio
4	costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
5	d. Any other relief deemed appropriate by this Honorable Court.
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7	DEMAND FOR JURY TRIAL
8	PLEASE TAKE NOTICE that Plaintiff, TRACY BAREFIELD, demands a jury trial in
9	this case.
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12	RESPECTFULLY SUBMITTED,
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14	DATED: May 24, 2017 KIMMEL & SILVERMAN, P.C.
15	By: /s/ Amy L. B. Ginsburg Amy L. B. Ginsburg
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